IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No. 21696 OF 2007

DATED: 30-11-2007

BETWEEN:

Sri Sadineni Ranga Rao

.....Petitioner

AND

The Government of Andhra Pradesh,
Rep., by its Principal Secretary (Panchayat Raj & Rural Development), Secretariat,
Hyderabad and four others

.....Respondents

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THE HON'BLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No. 21696 OF 2007

ORDER:

The petitioner seeks to issue a writ of mandamus declaring the action of the Mandal Parishad Development Officer, Maddipadu Mandal Parishad, Prakasam District in not sending their report to the 1st respondent under Section 246 of the Andhra Pradesh Panchayat Raj Act, 1994 on resolution dated 18-5-2007 as illegal and arbitrary.

Admittedly, the petitioner is stated to have filed a revision against the resolution dated 18-5-2007 before the Government on 27-9-2007. It is the case of the petitioner that the Mandal Parishad General Body passed the resolution contrary to Rule 5 of G.O Ms. No. 218 dated 31-3-1995 in respect of certain works without including in the agenda. As the said resolution was passed in violation of Rule 5 of the said G.O, a representation has been filed by the petitioner along with seven other MPTC members for cancellation of the same. It is stated that pursuant to the said representation, the Mandal Parishad Development Officer, the 3rd respondent herein addressed letter dated 14-8-2007 to the Chief Executive Officer, Zilla Parishad, Ongole, the 5th respondent herein seeking certain clarifications and the 5th respondent vide his Memo dated 18-9-007 requested to follow the rules in G.O Ms. No. 218 dated 31-3-1995, specially with reference to Rule 15 in para II and Rule 83 in para IV. The 5th respondent vide Memo in Rc.No.P1/4225/2007 dated 6-11-2007 also informed that Rule 5 is mandatory and has to be followed. It is stated that even after the said memos, the 3rd respondent has not rectified the illegality in the impugned resolution passed on 18-5-2007.

The 3rd respondent filed a counter stating that any resolution

passed by the general body shall be modified within three months at a meeting specially convened and no requisition has been filed by the said seven MPTC members calling for the meeting and in the subsequent meeting held on 14-8-2007, no objection has been raised and, therefore, the alleged illegality could not be discussed or modified in the subsequent meetings.

Learned counsel for the petitioner submits that it is the duty of the 3rd respondent to include the said representation in the agenda of the next meeting and, therefore, there is no justification on the part of the 3rd respondent in stating that no requisition was given to recall resolution dated 18-5-2007.

I am not inclined to express any opinion with regard to the contentions of either of the parties as the revision filed by the petitioner with regard to illegality and validity of the said resolution is pending before the Government.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the 1st respondent to consider and dispose of the revision filed by the petitioner on 27-9-2007 against the resolution passed by the 3rd respondent dated
18-5-2007, as expeditiously as possible without any unnecessary delay. It is also open to the petitioner to seek any appropriate interim orders pending disposal of the revision

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V. ESWARAIAH, J

30-11-2007
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